

## INDUSTRIAL SITE RECOVERY ACT

### Minimal Environmental Concern Waiver Applications and Instructions N.J.A.C. 7:26B-5.6

This application is intended to simplify the procedures to apply for and obtain an approval for a Minimal Environmental Concern Waiver pursuant to the Industrial Site Recovery Act (ISRA), N.J.A.C. 7:26B-5.6. Please read the directions completely and N.J.A.C. 7:26B-5.6 before completing the application to ensure that you qualify for a waiver.

In summary, N.J.A.C. 7:26B-5.6 allows an applicant to close operations or transfer the ownership or operations of an Industrial Establishment without obtaining NJDEP approval of a Remedial Action Workplan or No-Further-Action approval in accordance with section 4 of ISRA, if there are only two areas of concern at the industrial establishment which require remediation and the applicant can remediate the two areas of concern in six months or less. The remediation can not involve the remediation of surface water or ground water.

Submit (1) original signed copy of this application along with the completed General Information Notice and the General Information Notice review fee (see attached fee submittal form) along with a complete preliminary assessment report (PA), site investigation report (SI) and remedial investigation report and the applicable PA and SI review fees. **Note: Applications received without the required review fee will not be assigned to a case manager and no review will commence until the review fee is received.**

The Department will accept mimeograph copies or computer generated copies of this application provided the copies are legible, all questions on this form are included and no changes are made to the wording contained herein.

**The paragraphs below correspond to the question numbers on the application.**

1. The information provided herein must be identical to the information provided on the General Information Notice (GIN). See questions 1.A, and 1.B, on the GIN to ensure the correct information is provided.
- 1.C The case number will be assigned upon receipt of a complete GIN and Initial Notice fee. If submitting this application with the completed GIN, then this question may be completed as pending, unknown or simply left blank. If submitting this application in response to a deficiency letter or subsequent to the filing of the GIN, then please provide the ISRA Case number to ensure expeditious processing of your application.

**The Certification must be signed and notarized.** Please refer to N.J.A.C 7:26B-1.6 or the directions which accompany the General Information Notice for the signatory requirements.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF FIELD OPERATIONS - ISRA INITIAL NOTICE  
P.O. Box 435  
401 EAST STATE STREET  
TRENTON, NJ 08625-0435

**INDUSTRIAL SITE RECOVERY ACT (ISRA)**

**MINIMAL ENVIRONMENTAL CONCERN WAIVER**

This purpose of this affidavit is to obtain the approval of a Minimal Environmental Concern Waiver pursuant to the Industrial Site Recovery Act, N.J.A.C. 7:26B-5.6. from the New Jersey Department of Environmental Protection. The Department may require the applicant to submit additional information and documentation to support the applicant's certifications contained in this application.

1. A. Industrial Establishment
- Name \_\_\_\_\_ Telephone Number \_\_\_\_\_
- Street Address \_\_\_\_\_
- City of Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- Municipality \_\_\_\_\_ County \_\_\_\_\_
- B. Tax Block Number(s) \_\_\_\_\_ Tax Lot Number(s) \_\_\_\_\_
- C. ISRA Case Number \_\_\_\_\_

2. I hereby state that a preliminary assessment report, site investigation report and remedial investigation report have been completed at the industrial establishment listed above in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as evidenced by the attached preliminary assessment report, site investigation report and remedial investigation report.

Based on the preliminary assessment report, site investigation report and remedial investigation report, I hereby state that there are no more than two areas of concern at the industrial establishment that are contaminated at levels above the applicable remediation criteria and the remedial action of those areas of concern can be completed in six months or less pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and in accordance with any applicable remediation criteria; and

Based on the preliminary assessment report, site investigation report and remedial investigation report, the discharged hazardous substance or hazardous waste does not pose an immediate threat to human health due to the proximity of an area of concern to a drinking water source or because of the location, complexity, or the nature of the discharge; and

A remedial action workplan shall be prepared pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and the remediation shall meet either the restricted use or unrestricted use remediation criteria and the applicable surface water and ground water remediation standards. I also acknowledge that I must obtain written approval from the New Jersey Department of Environmental Protection prior to remediating surface water or ground water and that approval of this application shall not be construed to be an approval to remediate surface water or ground water.

I also state that the remedial action workplan shall be prepared, implemented and completed in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and that a remedial action report shall be submitted to the New Jersey Department of Environmental Protection within six months of this application approval.

As evidenced by the attached documentation, I also state that a remediation funding source has been established in accordance with N.J.A.C. 7:26C, the Procedures for Department Oversight of the Remediation of Contaminated Sites and that the remediation funding source may only be used to remediate the areas of concern identified in the attached preliminary assessment report, site investigation report and remedial investigation report.

Please list any other information you are submitting:

Description	Attachment #
_____	_____
_____	_____
_____	_____

**CERTIFICATION:**

The following certification shall be signed pursuant to the requirements of N.J.A.C. 7:26B-1.6(e).

**I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et set., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-13.**

Typed/Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Sworn to and Subscribed Before Me

on this \_\_\_\_\_

Date of \_\_\_\_\_ 19\_\_\_\_\_

\_\_\_\_\_  
Notary